

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

VERDICT FORM

Race Discrimination Claim

1. Has Alverene Butler proved by a preponderance of the evidence that her race was a motivating factor for the decision by the Alabama Department of Transportation and/or Mark Waits and/or Patrick Jackson to take an adverse employment action against her, even though other factors may have also motivated the Defendants?

Yes X

No

If the answer to 1 is “no,” then you will have found that Butler may not recover damages against the Department and/or Waits and/or Jackson on this claim, and you need not answer question 2, but should go directly to question 3. If the answer to question 1 is “yes,” then you should answer question 2.

2. Has the Alabama Department of Transportation and/or Mark Waits and/or Patrick Jackson proved by a preponderance of the evidence that they would have taken

the same adverse employment action against Butler even in the absence of the factor of her race?

Yes _____

No X

If the answer to number 1 is "yes" and the answer to number 2 is "no," then you will have found that Butler may recover against the Department and/or Waits and/or Jackson on this claim.

Retaliation Claim

3. Has Alverene Butler proved by a preponderance of the evidence that her complaints about her treatment based on her race were a motivating factor for the decision by the Alabama Department of Transportation to take an adverse employment action against her, even though other factors may have motivated the Department?

Yes X

No _____

If the answer to 3 is "no," then you will have found that Butler may not recover damages against the Department on this claim, and you need not answer question 4, but should go directly to question 5. If the answer to question 3 is "yes," then you should answer question 4.

4. Has the Alabama Department of Transportation proved by a preponderance of the evidence that it would have taken the same adverse employment action against Butler even in the absence of the factor of her race?

Yes _____

No X

If the answer to number 3 is "yes" and the answer to number 4 is "no," then you will have found that Butler may recover against the Department on this claim.

Damages

5. If you find that Butler may recover on any of her claims against the Alabama Department of Transportation and/or Mark Waits and/or Patrick Jackson, how much may she recover in compensatory damages?

a. Emotional distress \$ 25,000

b. Lost earnings and benefits 
~~\$ 25,000~~

6. If you find that Butler is entitled to recover punitive damages and if you further find that Butler has proven the elements which entitle her to recover punitive damages in this case, then, what amount of punitive damages should be assessed?

~~\$ 100,000~~
\$ 150,000

SO SAY WE ALL.

DONE this the 8th day of June, 2007.



FOREPERSON